

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4791 of 2022

=====

Banarsi Das, Son of Late Bishan Lal, Resident Nala Road, P.S. - Kadam Kuan, Patna - 800003.

... .. Petitioner/s

Versus

1. The State Bank of India, through the Chairman - Cum - Managing Director, State Bank of India, Corporate Centre, State Bank Bhawan, Madame Cama Road, Mumbai - 400021.
2. The State Bank of India Stressed Assets Recovery Branch, Second Floor, West Gandhi Maidan, Patna - 800001 through its Chief Manager.
3. The Chief Manager, State Bank of India, Maurya Lok Complex Branch, Patna.
4. The Union of India, through the Recovery Officer, Debt Recovery Tribunal, A and B Wing, 5th Floor, Karpuri Thakur Sadan, Kendriya Karmchari Parisar (GPOA), Near Rajiv Nagar Police Station, Ashiana Digha Road, Patna - 800025.
5. The State of Bihar, through The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Atal Bihari Pandey, Advocate Mr. Mukund Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Singh Thakur, Advocate
For the State	:	Mr Manoj Kumar, AC to GP-4

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 02-03-2023 Heard Mr. Gautam Kumar Kejriwal, learned counsel appearing on behalf of the petitioner, Mr. Sanjay Singh Thakur, learned counsel appearing on behalf of the respondent and Mr. Manoj Kumar, learned AC to GP4 for the State.

2. Learned counsel appearing behalf of the respondent-State Bank of India informs that in terms of the order dated 09.02.2023 passed in the present case he has received instruction that RA Case No. 14 of 2017 arising out of



Appeal No. 10 of 2015 which was pending on the relevant date has already been disposed vide order dated 15.02.2023 and as such the relief for refund of Rs. 34 lakhs deposited by the petitioner by way of consideration amount is now required to be refunded back to the petitioner with interest.

3. The order dated 09.02.2023 passed by this Court reads as under:

“Learned counsel appearing on behalf of the Bank has produced an order dated 22.12.2022, passed by the Debts Recovery Tribunal, Patna (DRT), from which it appears that the judgment in R.A. No. 14 of 2017 has been reserved.

It may be noted that by an order dated 01.12.2022, the DRT, Patna, was requested to positively decide the said application in accordance with law expeditiously and preferably within a period of four weeks.

We expect that the Tribunal shall give due regard to this Court’s observations recorded in the order dated 01.12.2022.

List this matter on 02.03.2023 within first five cases.

The Chief Manager, State Bank of India, Stressed Assets Recovery Branch, Patna (SARB) is personally present in compliance of the previous order dated 01.12.2022. His appearance stands dispensed with for the present.”

4. Mr. Gautam Kumar Kejriwal, learned counsel appearing on behalf of the petitioner submitted that in view of the Review Application filed on behalf of the bank has already been dismissed and the only remedy left to the bank is to refund back the amount of Rs. 34 lakhs along with applicable rate of interest forthwith to the petitioner.



5. Considering the development which has taken place during the pendency of the writ petition, the respondent-bank is directed to refund back the entire amount as claimed by the petitioner along with applicable rate of interest within a period of three weeks. In case, the respondent-bank delayed, in any manner, the petitioner is at liberty to inform this Court.

6. With above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

manish/minu

U			
---	--	--	--

